

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	Chapter 11
SEARS HOLDINGS CORPORATION, <i>et al.</i> ,	Case No. 18-23538 (RDD)
Debtors.	Jointly Administered
SEARS HOLDINGS CORPORATION, <i>et al.</i> ,	Adv. Pro. No. 19-8250 (RDD)
Plaintiffs,	ORAL ARGUMENT REQUESTED
-against-	
EDWARD SCOTT “EDDIE” LAMPERT, <i>et al.</i> ,	
Defendants.	

**NOTICE OF MOTION TO DISMISS ON BEHALF OF
DEFENDANT, CASCADE INVESTMENT, LLC**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Cascade Investment, LLC’s (“Cascade”) Motion to Dismiss, the Declaration of Joshua E. Roberts, dated February 21, 2020 (the “Declaration”), and exhibits 1-9 appended to the Declaration, and all prior pleadings and proceedings herein, Cascade will respectfully move before the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York (the “Court”), 300 Quarropas Street, White Plains, NY 10601, at such time that the parties agree and the Court approves, for an order dismissing with prejudice all claims against Cascade (Counts 24, 25, 27 and 34) asserted in the First Amended Complaint filed by Plaintiffs, pursuant to Rule 12(b)(6) of the Federal Rules of

Civil Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy
Procedure.¹

Dated: New York, New York
February 21, 2020

Respectfully submitted,

/s/ Sidney P. Levinson

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Attorneys for Defendant Cascade Investment, LLC

¹ Cascade also incorporates and adopts sections I, II, III and V of the Memorandum of Law in Support of the Cyrus Defendants' Motion to Dismiss All Counts of the First Amended Complaint Against Them.